

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO MICHAEL MCELFRESH,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 1:21-cv-01481-SAB

ORDER DENYING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS* WITHOUT  
PREJUDICE AND REQUIRING PLAINTIFF TO  
FILE LONG FORM APPLICATION OR PAY  
FILING FEE

(ECF No. 3)

TWENTY-ONE DAY DEADLINE

Plaintiff Francisco Michael McElfresh filed a complaint in this action on October 4, 2021, challenging the Commissioner's decision to deny his application for Social Security benefits. (ECF No. 1.) Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 3.)

However, with respect to the questions regarding Plaintiff's expenses (questions 6–8), Plaintiff fails to indicate any values but merely indicates all expenses are "N/A [not applicable]." (ECF No. 3 at 2 (identifying expenses including any housing, transportation, utilities, loan payments, regular monthly expenses, support for dependents, debts, and financial obligations).) Thus, it appears Plaintiff's application was not sufficiently completed for the Court to determine if he is entitled to proceed in this action without prepayment of fees.

1           Accordingly, the Court will order Plaintiff to complete and file an Application to Proceed  
2 in District Court Without Prepaying Fees or Costs (Long Form) – AO 239. If Plaintiff is unwilling  
3 to complete and submit the long form application, Plaintiff must pay the filing fee in full.

4           Based upon the foregoing, it is HEREBY ORDERED that:

- 5           1. Plaintiff's application to proceed *in forma pauperis* is DENIED without prejudice;
- 6           2. The Clerk of the Court is directed to forward an Application to Proceed in District  
7           Court Without Prepaying Fees or Costs (Long Form) – AO 239 to Plaintiff;
- 8           3. Within **twenty-one (21) days** of the date of this order, Plaintiff shall either (1) pay  
9           the \$402.00 filing fee for this action, or (2) complete and file the enclosed  
10           Application to Proceed in District Court Without Prepaying Fees or Costs (Long  
11           Form) – AO 239; and
- 12           4. If Plaintiff fails to comply with this order, this action shall be dismissed for failure  
13           to pay the filing fee and failure to comply with a court order.

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15           IT IS SO ORDERED.

16           Dated: October 5, 2021



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UNITED STATES MAGISTRATE JUDGE